

09899588 04152002 DAC #3

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Large Entity)**

Docket No:
Schreiber 899,588

In Re Application Of: **Philip H. Schreiber et al.**

Serial No.
09/899,588

APR 15 2002

Filing Date
July 5, 2001

Examiner

Group Art Unit
3632

Invention: **Controlled Descent Device**

ASSISTANT COMMISSIONER FOR PATENTS

Attention: Office of Petitions

Box DAC

Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

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1. ☒ A proposed reply to the above-identified notice or action:

☒ is enclosed. ☐ was filed on _____

The proposed reply is in the form of: Decl. & Substitute Drawings in Resp. to Notice to File Missing Parts

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on _____

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3. ☒ The abandoned application was a:

☐ design application. ☒ utility application ☐ plant application.

4. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

5. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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Invention: **Controlled Descent Device**

Calculation and Payment of Fees

Enclosed are the following fees:

- | | |
|--|-----------------------------|
| 6. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of: | <u>\$1,280.00</u> |
| 7. <input type="checkbox"/> Fee for amendment in the amount of: | <u> </u> |
| 8. <input type="checkbox"/> Fee for extension of time to respond to Office Action in the amount of: | <u> </u> |
| 9. <input type="checkbox"/> Issue fee in the amount of: | <u> </u> |
| 10. <input type="checkbox"/> Continuing application filing fee in the amount of: | <u> </u> |
| 11. <input type="checkbox"/> Terminal disclaimer fee in the amount of: | <u> </u> |
| 12. <input checked="" type="checkbox"/> <u>File Missing Parts (executed Declaration and Power of Attorney)</u> | <u>\$130.00</u> |

Total fees enclosed: \$1,410.00

The fee of **\$1,410** is to be paid as follows.

- ☒ A check in the amount of the fee is enclosed
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No **13-3635**
A duplicate copy of this sheet is enclosed.

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Invention: Controlled Descent Device

Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

The Filing Receipt was filed in the application file without noticing that the Notice to File Missing Parts form was enclosed with and behind the Filing Receipt, all papers being folded together in one mailing from the PTO. The Notice to File Missing Parts was therefore undetected and unintentionally filed in the application file without being docketed on our deadline control system for a response. Applicants recently learned of the mistake when reviewing the U.S. file in connection with a paper received in the corresponding PCT application.

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Dated. *April 3, 2002* APR 17 2002

OFFICE OF PETITIONS

James G. Uber
Signature

James G. Uber
Reg. No. 30,600
Attorney for Applicant

I certify that this document and fee is being deposited on *April 5, 2002* with the U S Postal Service as first class mail under 37 C F R 1 8 and is addressed to the Assistant Commissioner for Patents, Washington, D C. 20231

Stephanie J. Cassidy
Signature of Person Mailing Correspondence

Stephanie J. Cassidy

Typed or Printed Name of Person Mailing Correspondence

CC:



APR 15 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D. C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/899,588	07/05/2001	Phillip H. Schreiber	

CONFIRMATION NO. 4033

FORMALITIES LETTER



OC00000006466942

MSA
Mine Safety Appliances Company
P.O. Box 426
Pittsburgh, PA 15230

Date Mailed: 08/23/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE